

**REMARKS**

Claims 1, 3-5, 7, 9-18, 23 and 35 are pending in this application. By this Amendment, claims 1, 3, 5, 9, 11, 12, 15-17, 23 and 35 are amended and claims 6 and 8 are canceled. No new matter is added.

The courtesies extended to Applicants' representative by Examiner Scarito at the personal interview held September 11, 2009, are appreciated. The reasons presented at the interview as warranting favorable action are incorporated into the remarks below, which constitute Applicant's record of the interview.

Claims 6, 9, 11, 12 and 17 are objected to for informalities. Claim 6 has been canceled. Claims 9, 11, 12 and 17 have been amended responsive to the objection and as agreed during the personal interview. It is respectfully requested that the objection be withdrawn.

Claim 35 is rejected under 35 U.S.C. §112, first paragraph. The rejection is respectfully traversed.

As discussed during the personal interview, claim 35 has been amended to include the limitation "once" as suggested in the Office Action. Additionally, "and" has been replaced with "or" for clarity based upon this amendment.

It is respectfully requested that the rejection be withdrawn.

Claims 1, 3-18, 23 and 35 are rejected under 35 U.S.C. §112, second paragraph. The rejection is respectfully traversed.

Regarding claims 1, 23 and 35, the Office Action questions what "validating . . . the payment media" comprises. The Office Action states that, for the purpose of examination, the Office Action will assume that validating refers to verifying identifiable funds. Applicants respectfully assert that such an assumption is correct.

The Office Action questions whether the limitation "until the user login operation is completed" implies that the payment media is stored in an unsecure device after the user login operation. Applicants respectfully assert that "until the user login operation is completed" claims what occurs up to this point. What is not claimed is not relevant under 35 U.S.C. §112, second paragraph. Further, Applicants respectfully assert that the unclaimed subject matter does not imply what occurs after the user login operation is completed.

Claim 3 was rejected for antecedent basis. Claim 3 has been amended responsive to the rejection.

The Office Action questions whether a retail store must comprise all of or just one of the claimed components. As agreed during the personal interview, claim 5 has been amended to clarify that the retail store includes at least one of the claimed features.

Claim 6 has been canceled, rendering its rejection moot.

Regarding claim 9, the Office Action questions what "authenticating the payment media" comprises and states that "counting the payment media" is already recited in claim 1. "Authenticating the payment media" and "counting the payment media" have been deleted from claim 9.

Regarding claim 15, the claim has been amended to replace "escrow device" with "secure device" as agreed during the personal interview.

Regarding claims 15-17, Applicants respectfully assert that a login operation is either successful or unsuccessful. That is, it is a binary operation and therefore there are no degrees of success related to the login operation. That is, login either occurs or does not occur. Thus, the terms successful and unsuccessful are not relative with respect to a login operation.

The other recitations of successful in claims 16 and 17 have been deleted.

It is respectfully requested that the rejection be withdrawn.

Claims 1, 3, 4, 7, 11, 18, 23 and 35 are rejected under 35 U.S.C. §102(b) over Keith, III et al., U.S. Patent No. 5,695,038. The rejection is respectfully traversed.

Claim 1 recites that the step of performing the user login operation can be done during and after the step of processing the payment media. As discussed during the personal interview, Keith only teaches a login operation occurring before processing a payment media operation.

Additionally, the present invention provides advantages that are not recognized in the prior art. Specifically, as discussed during the personal interview, a method in which the step of performing the user login operation can be done during and after the step of processing the payment media provides the advantage of a decrease in the overall processing time. This results in greater efficiency because the login operation and the processing of the payment media occur in parallel. This allows the method to be performed more frequently or allows a machine that implements the method to be used to greater effect. The prior art fails to teach or suggest these advantages.

Additionally, Applicants respectfully assert that Bankier et al., U.S. Patent Application Publication No. 2002/0103663, applied in the rejection of dependent claims 8-10, would not be combined with Keith by one of ordinary skill in the art. In Bankier, there is an intent to purchase and a login (by a user). There is not an actual transfer of physical goods until after the login is completed. That is, goods are not sent to the user until after the login is completed. However, in the present invention, payment media is transferred (similar to goods of Bankier) either during or after the login is completed. This difference is neither taught nor suggested by Bankier.

Claims 23 and 35 recite similar features to those discussed above with respect to claim 1 and are patentable at least for the same reasons.

Claims 3, 4, 7, 11 and 18 are patentable by reason of their dependency from independent claim 1, as well as for the additional features they recite.

It is respectfully requested that the rejection be withdrawn.

Claims 5 and 6 are rejected under 35 U.S.C. §103(a) over Keith in view of Official Notice. Claim 6 has been canceled, rendering its rejection moot. The rejection of claim 5 is respectfully traversed.

As discussed above, Keith fails to teach or suggest all of the features of independent claim 1. Further, Official Notice fails to overcome the deficiencies of Keith. Thus, claim 5 is patentable by reason of its dependency from independent claim 1, as well as for the additional features it recites.

It is respectfully requested that the rejection be withdrawn.

Claims 8-10 are rejected under 35 U.S.C. §103(a) over Keith in view of Bankier. Claim 8 has been canceled, rendering its rejection moot. The rejection with respect to claims 9 and 10 is respectfully traversed.

As discussed above, Keith and Bankier fail to teach or suggest all of the features of independent claim 1. Thus, claims 9 and 10 are patentable by reason of their dependency from independent claim 1, as well as for the additional features they recite.

It is respectfully requested that the rejection be withdrawn.

Claim 12 is rejected under 35 U.S.C. §103(a) over Keith in view of Katou et al., U.S. Patent No. 6,481,620. The rejection is respectfully traversed.

As discussed above, Keith fails to teach or suggest all of the features of independent claim 1. Further, Katou fails to overcome the deficiencies of Keith. Thus, claim 12 is patentable by reason of its dependency from independent claim 1, as well as for the additional features it recites.

It is respectfully requested that the rejection be withdrawn.

Claims 13-15 are rejected under 35 U.S.C. §103(a) over Keith in view of Rosen, U.S. Patent No. 5,453,601. The rejection is respectfully traversed.

As discussed above, Keith fails to teach or suggest all of the features of independent claim 1. Further, Rosen fails to overcome the deficiencies of Keith. Thus, claims 13-15 are patentable by reason of their dependency from independent claim 1, as well as for the additional features they recite.

Claims 16 and 17 are rejected under 35 U.S.C. §103(a) over Keith. The rejection is respectfully traversed.

As discussed above, Keith fails to teach or suggest all of the features of independent claim 1. Thus, claims 16 and 17 are patentable by reason of their dependency from independent claim 1, as well as for the additional features they recite.

It is respectfully requested that the rejection be withdrawn.

After the September 11, 2009 personal interview, the Examiner contacted Applicants' representative to inform Applicants' representative of Karlsson, U.S. Patent No. 6,080,056, which the Examiner indicated would be cited in the next Office Action absent persuasive arguments as to why Karlsson does not read on the pending claims. The Examiner particularly indicated Karlsson at col. 5, lines 41-60.


Applicants respectfully assert that one of ordinary skill would not associate a receipt or voucher with a login. As discussed during the personal interview, it is the Examiner's assertion that the act performing a login effectively is the act of associating an action with a particular user. The receipt or voucher in Karlsson is freely transferable, and therefore does not associate an action with a particular user. Further, Karlsson does not indicate when the smart card is used, i.e., Karlsson does not indicate that the smart card can be used during or after processing the payment media has been initiated. Nothing in the prior art of record teaches or suggests that a smart card could be used during or after processing payment media

has been initiated. Consequently, Applicants respectfully assert that the claims are not anticipated by, nor obvious in light of Karlsson.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,

  
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JAO:SDJ/mkg

Attachment:  
Petition for Extension of Time

Date: September 28, 2009

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